

AGENDA ITEM #10

January 14, 2005

To: Delta Protection Commission
From: Lori Clamurro, Delta Protection Commission Staff
Subject: **DRAFT:** Update on Land Use in Delta Primary Zone, 1993-2004
(For Commission Information Only)

This staff report is being written for Delta Protection Commissioners, to give them information on what Commission staff has perceived as land use changes and trends in the Delta Primary Zone over the last ten + years of the Commission's existence.

The Budget Bill passed in 2004 requires the Commission to "identify changes and growth pressures within the Primary Zone, and lands within the Secondary Zone, the development of which impacts the resources of the Primary Zone." This report attempts to begin to address these requirements by identifying: land use changes that have occurred in the Primary Zone since 1993; how urban development in the Secondary Zone has impacted land uses in the Primary Zone; and what additional development may be expected in the future in existing Delta Primary Zone communities.

Background

Since 1993, the Delta region has undergone some large-scale land use changes. Explosive growth in the Delta Secondary Zone has brought the urban landscape right up to the edge of the agricultural landscape in the Primary Zone, and this has in turn resulted in increased use of the infrastructure in both zones by the new urban dwellers and commuters. In addition, particularly in the Primary Zone, the Commission has expressed concern on numerous occasions that Primary Zone lands, restricted from development by the authority of the Commission, are being converted from their existing land use – agriculture – into areas of habitat for fish and wildlife, without a comprehensive habitat restoration plan for the Delta. In some situations, this has given agricultural landowners and managers in the Primary Zone problems such as inability to maintain ongoing agricultural practices in the presence of endangered species, loss of tax base to Reclamation Districts (and, in turn, less ability to pay for levee maintenance), and other impacts such as seepage and the spread of weeds, animals, and insects from the habitat property (e.g., Prospect and Liberty Islands). More recently, habitat projects are designed and managed to harmonize and incorporate agricultural land use (e.g., Yolo Bypass Wildlife Area [Dept. of Fish and Game] and Staten Island [The Nature Conservancy]).

Other trends Commission staff has noticed include:

- The tendency for landowners to subdivide their agricultural parcels to the lowest allowable acreage size. A variation in Sacramento County is to separate off small home site parcels and restrict development rights on large agricultural parcels. This practice allows landowners maximum flexibility in managing and potentially selling smaller pieces of their properties during tough economic times.
- Changes in County zoning codes to allow the construction of wineries and other agricultural support facilities in agricultural zones. These agricultural support uses enhance agriculture-related tourism in the Delta.
- The construction of pipelines to transport gas, sewage, and other urban services in areas outside of the Delta. In most cases, these pipelines are designed to connect and serve the rapidly urbanizing areas in the Secondary Zone, but the pipelines cut through the Delta Primary Zone, potentially with the ability to affect agricultural operations. Most locations take advantage of existing rights of way, as directed by the Commission's Plan.

For the purposes of this report, staff has separated the report into two sections – the first addresses actual changes in land use in the Primary Zone since 1993, and the second relates to the growth pressures the Primary Zone has been experiencing since 1993, largely from the rapidly urbanizing areas in the Secondary Zone.

I. Land use changes in the Primary Zone since 1993

The biggest change that has occurred in the Delta Primary Zone since 1993 is the conversion of some of the Delta's agricultural land base from crop production to fish and wildlife habitat areas. Since 1993, over 8,000 acres of land that was in agricultural production in 1993 has been converted to habitat or ruderal areas under numerous programs, including the California Bay-Delta Program and local government and non-profit actions such as the establishment of habitat areas to mitigate the impacts of urban development on certain endangered species. While some of these areas have been acquired in fee title utilizing public money, some of the restoration has been accomplished under easement programs.

In addition to the 8,000 acres that have actually been converted from agriculture to other uses, there are additional areas that are proposed for habitat or recreational uses in the future under State, federal, local government, and nonprofit programs once comprehensive plans have been established by the respective entities (and funding is available).

Commission staff has also tracked numerous projects – such as gas wells to extract gas and minerals from agricultural lands, the erection of cell phone towers and antennas, and the construction of wineries – which have involved small conversions (less than ten acres) of crop lands into said structures. In most cases, the structures are consistent with existing agricultural zoning, and actually serve to enhance agricultural viability in the Delta by giving landowners additional means to earn money during tough economic times and diversify farm income.

One trend of note is a practice for landowners to subdivide their agricultural properties to the smallest allowable parcel size. This practice gives landowners more flexibility in management, and more options to improve their overall financial position; if a landowner experiences financial hardship and has to sell off part of the property, he has the option of selling off a smaller parcel if it's been subdivided. In some cases, such subdivisions have resulted in the construction of additional homes, but generally, such conversions have not resulted in significant land use change and have been consistent with existing zoning.

Finally, over the last few years, the Commission has been briefed on proposals by the Cities of Sacramento, Elk Grove, and Stockton to expand their respective spheres of influence into the Delta Primary Zone. The Commission has not supported these proposals, and the proposals have not been pursued. To date, there have been no expansions of City spheres of influence into the Delta Primary Zone.

II. Growth pressures in the Primary Zone since 1993

Most of the growth pressures the Primary Zone has experienced since 1993 are related to the urban growth that has been occurring in the Secondary Zone of the Delta. As the urban populations surrounding the Primary Zone have grown, the need for associated infrastructure to accommodate that growth has had impacts on Primary Zone resources.

Staff has noted two specific examples of infrastructure improvements designed to serve Secondary Zone areas that ultimately impact land uses in the Primary Zone. The first is a greater amount of urban resident and commuter traffic on roads in the Primary Zone which were not originally designed to accommodate that level of urban traffic; the increased traffic on Delta roads can affect the transport of agricultural goods and can also pose a safety hazard. The second is the construction of sewer or gas pipelines that largely benefit the urban areas in the Secondary Zone, but cut through Primary Zone areas, which has the potential to impact existing agricultural, habitat, and recreational land uses in the Primary Zone if the pipelines are not designed to avoid such impacts.

However, some growth pressure still exists within the Delta Primary Zone, and this pressure comes mostly from existing Delta communities in Yolo and Sacramento Counties – Clarksburg, Hood, Courtland, Walnut Grove, and Locke (the City of Isleton is located in the Secondary Zone, and the community of Freeport in the Secondary Zone is in the process of being annexed to the City of Sacramento). This growth, planned when the Delta Protection Act was passed in 1992, is acknowledged in the Act and the Commission's regional plan.

Yolo County (Clarksburg)

The Delta community of Clarksburg last updated its General Plan in 2002; under the updated General Plan, each property owner is responsible for supplying domestic water and disposing of wastewater, using above-ground septic systems to protect the quality of the groundwater. Additionally, there is a required minimum parcel size of one acre for any new single-family residence construction. Any new development would be restricted to infill areas within existing community boundaries.

There is a proposal for a major multi-use development project – the Sugar Mill Specific Plan – currently under consideration for the community of Clarksburg, on a 106-acre site within existing community boundaries that was formerly occupied by a sugar beet processing mill. The current proposed project would require a General Plan amendment and rezone to accommodate 145 new single-family residences, 25 acres of commercial/office uses, 43 acres of industrial uses (including a wastewater treatment and disposal area), and three acres of waterfront/open space on the site. The Commission has been active in reviewing and commenting on this project, and continues to monitor its progress.

Sacramento County (Hood, Courtland, Walnut Grove, and Locke)

The document governing urban growth in the unincorporated Delta communities is the Delta Community Area Plan (DCAP), adopted by Sacramento County in 1982. According to this plan, residential development is not allowed outside of existing communities, but may be permitted in areas contiguous to the communities if a series of findings can be made. The findings include (but are not limited to) developments that will be served by approved water and sewer systems, will not have an adverse impact on adjacent levees, have minimal conflict with surrounding land uses, and have minimal adverse impact on the use of adjacent waterways. One final condition is that the development will not be permitted on an economically viable piece of agricultural land.

Since 1993, there has been very little land use change in Sacramento County's Delta communities. However, the DCAP contains the following information about the capacity for growth in each Delta community:

Hood

The town of Hood occupies seventy acres of land; thirty-one of these seventy acres are available for potential residential development. The existing land use plan for Hood envisions residential development growing to the east of existing residential areas, on either side of Hood-Franklin Road, with a total holding capacity of 483 residents for the town. However, the town currently uses private septic tanks for sewage disposal, many of which are substandard or failing, so any new growth in the town would require installation of a public sewerage system.

Courtland

The community of Courtland occupies fifty-four acres, most of which has already been developed. New residential development is limited to infill sites within the existing community and to vacant parcels north of Primasing Avenue; new commercial development is encouraged to be oriented within the town as opposed to along the River Road. According to the DCAP, Courtland's holding capacity is estimated at 343 residents. The community's sewer plant is presently under a cease and desist order from the Central Valley Regional Water Quality Control Board.

Sacramento County recently approved a proposal for development of a 32-unit low-income/farmworker apartment complex – Courtland Plaza – under consideration in the

community of Courtland. The ~2.5-acre project site is located south of Magnolia Avenue within the existing town boundaries of Courtland, and is already zoned for the proposed use.

Walnut Grove

The largest Delta community in Sacramento County, Walnut Grove, occupies 180 acres on the east and west sides of the Sacramento River. The DCAP divides the town into East and West Walnut Grove. East Walnut Grove consists largely historical buildings with commercial uses on the first story with residential dwellings above, and is currently undergoing some renovations, whereas West Walnut Grove is a much newer area dominated by relatively modern single-family homes. A large lot of subdivisions is currently being reviewed by Sacramento County. The DCAP estimates a holding capacity of 1,060 residents (568 in East Walnut Grove and 492 in West Walnut Grove); the sewage treatment plant serving both sections of Walnut Grove can accommodate up to 1,330 people. However, the plant will not meet new toxics rules when they come into effect in a few years.

The DCAP admits that there may eventually be pressure to accommodate new development in Walnut Grove, although the appropriate direction and location of new development would have to be determined. The prime factors influencing any decision to expand Walnut Grove in the future would likely be the effects on nearby agriculture and safety issues associated with flooding.

Locke

The entire 27-acre Delta town of Locke is listed on the National Register of Historic Places, and there was significant interest at one time by the Department of Parks and Recreation to purchase and preserve the historic town. A Special Planning Area zoning ordinance was adopted by the County in 1979 to allow rehabilitation of the historic buildings in a way that minimizes disruption to the town's residents and retains the cultural and historic value of the town. The DCAP states that any new development, if any, would be limited, but based upon a density of up to ten dwelling units per acre in the residential areas of town, Locke's ultimate holding capacity is 114 residents. The County recently acquired and subdivided the land under Locke; this will allow property owners to acquire the underlying land and thus have better access to funds for building renovation. De to failure of Locke's sewage treatment facility, Locke's wastewater is now piped to Walnut Grove for treatment.

Summary

The largest change in land use in the Primary Zone has been the conversion of over 8,000 acres of agricultural land to habitat since 1993, with additional conversion planned under numerous programs administered by State, federal, local government, and non-profit entities. There has also been some land use conversion associated with structures and uses permitted under current agricultural zoning codes, but the amount of conversion has not been significant.

Development pressures in the Primary Zone would come mostly from proposed expansion of existing Delta communities in Yolo and Sacramento Counties, but to date, no significant land use conversion has occurred, although there are a few projects under consideration that the Commission continues to monitor.

- **INCREASED TRAFFIC IN PRIMARY ZONE FROM SECONDARY ZONE GROWTH AREA COMMUTERS**
- **REGIONAL GAS AND SEWAGE PIPELINES SERVING SECONDARY ZONE AREAS CUT THROUGH THE PRIMARY ZONE, WITH THE POTENTIAL TO IMPACT EXISTING LAND USES**
- **INFORMATION ON PROJECTED GROWTH IN PRIMARY ZONE TOWNS – CLARKSBURG (YOLO), AND WALNUT GROVE, LOCKE, AND COURTLAND (SACRAMENTO) – see General Plan updates and Delta Plan (Sacto)**

From Delta Land Use Impacts Committee May 2004 meeting, staff identified the following as potentially leading to change of land use in the Primary Zone:

Projects in the Primary Zone appealable to the Commission:

- **Subdivisions**
- **General Plan or Zoning Amendments**
- **Pipelines**

Projects in the Primary Zone that are non-appealable to the Commission (e.g., State and federal projects):

- **North Delta NWR**
- **Prospect Island restoration project**
- **Acquisition of land in the Yolo Bypass by the WCB turned over to DFG for management planning and ultimately restoration.**

In Primary Zone:

- **Family Member Mobile Homes**
- **Subdivision into lowest allowable ag parcel sizes for development of “ranchette” homes on ~10 or ~20 acre properties**
- **Gas Wells**
- **Levee repair, dredging, or demonstration projects, inc. placement of dredged materials on land**
- **NPDES permits (Waste Discharge permits)**
- **Marina and Park Expansions or Improvements – (dry boat storage at King Island Resort) (boat hauling, repair, storage facility on WG-Thornton Rd)**
- **Increases in Diversions of Drinking Water at Intakes in PZ**
- **Gas Pipelines (TriValley Oil & Gas btwn Webb & BI thru Little Franks) (Delta Gas Gathering Inc. Sacto River btwn Merritt and Randall Islands) (Delta Gas Gathering Inc. across Rindge and Roberts and under Stockton DWSC) (Enron: Ryer Island and Yolo Bypass) (Delta Gas Gathering: Miner Slough to Yolo Co line)**

- Sewage Pipelines (ISD under Dutch Sl to Jersey); (City of Brentwood: connect to ISD) (Lodi Gas Storage)
- Applications of treated wastewater (ISD)
- Sand Quarry: material removal
- Bridge or road replacement or widening (inc. guardrails along Hwy 160)
- Right to Farm Ordinances
- Rezoning of land from A-2 to A-4 (Ag Preserve for 790-ac Quimby Island)
- General Plan Updates (Pittsburg) (Oakley) (Rio Vista) (Clarksburg)
- Big Break Regional Shoreline Park & Delta Science Center
- Acquisition of 275-acre ag parcel for future park (EBRPD on Orwood Tract)
- Parks, Trails, and Recreation Master Plan (City of Brentwood)
- Adoption of SFBay National Estuarine Research Reserve, including Browns Island (Browns Island deleted from research reserve on June 6, 2003)
- Management Plan for 67-acre Antioch Dunes NWR
- Abatement of structures on Salisbury Island
- Upgrade of wastewater treatment plants and infrastructure
- Habitat restoration projects (Franks Tract) (Stone Lakes) (riparian restoration on Georgiana Slough) (berm projects on Staten Island) (tidal wetlands on north tip of Decker) (Prospect Island) (180-acre parcel in Yolo Bypass)
- Acoustic Fish Barrier at Georgiana Slough
- Cell phone towers and antennas
- Acquisition of 122 acres for possible future screened intake facility at Hood; also, acquisition of Stillwater Orchards cold storage facility at Hood.
- Service Dock (Sherman near Decker)
- New campground (Rio Viento)
- Community guest docks (Courtland) (Walnut Grove) (Isleton)
- Zoning code amendment: Winery Use Permits in ag zone.
- Acquisition of Conservation Easements (Tyler Island)
- In-Channel Island Demonstration Projects
- Mitigation Bank/Habitat (Wildlands Inc., Kimball Island)
- Mitigation for development outside of the Delta (in Stone Lakes NWR)
- South Sacramento Streams Investigation – flood control proposal
- Expansion of spheres of influence into the Primary Zone (Elk Grove) (Sacramento)
- Zoning code amendment to allow recreation in agricultural zone.
- Aquaculture ponds (MKM partners denied, but Nomellini proposal upheld?) / Water ski lakes
- Private docks (retractable)
- ***Subdivision (Grand Island at Poverty Road): convey development rights to 132 acres and retain building site on other 80 acres in Ag-80 zone??***
- Swainsons Hawk Mitigation Ordinance & amendment
- Equestrian Center & Commercial Stable
- Wildlife museum along Stockton DWSC
- South Delta temporary barriers
- ***Dock/private marina (Headreach & North Tule Islands; SJ Power Squadron)??***

- Expansion of Duck Clubs (Venice Island DC) (Whoose Goose)
- HCPs (San Joaquin, Yolo)
- Construction of independent Boat/RV storage facilities in Primary Zone (Jacques, near Secondary Zone west of Stockton) (Jacobs, Hwy 12 near Potato Sl Rd)
- Requirement of a use permit for establishing nature preserves in ag zones
- Fiber Optics facility southeast of Dixon
- Water weed control programs
- Delta Wetlands project